

Docket No.: 29827/42090
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ulrich Riegel et al.

Application No.: 10/581,562

Confirmation No.: 6209

Filed: June 2, 2006

Art Unit: 1796

For: Swellable Hydrogel-Forming Polymers
Having a Low Fraction of Fines

Examiner: Liam J. Heincer

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

The undersigned, having power of attorney from the assignee, BASF AG, has executed this document on behalf of petitioner, BASF AG. Petitioner is a German corporation, Ludwigshafen, Germany, and is the owner of 100% interest in the instant application, as shown by the assignment recorded February 20, 2007, at Reel 18926, Frame 728. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of copending application Serial No. 10/589,727 filed August 17, 2006. Petitioner is the owner of 100% interest in application Serial No. 10/589,727 as shown by the assignment recorded on September 18, 2007 at Reel 19861, Frame 0039. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the application Serial No. 10/589,727 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on application Serial No. 10/589,727, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

Please charge our Credit Card in the amount of \$130.00 covering the fee set forth in 37 CFR 1.20(d). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 29827/42090.

Dated: January 13, 2009

Respectfully submitted,

By 
James J. Napoli

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